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21 **UNITED STATES DISTRICT COURT**
22 **NORTHERN DISTRICT OF CALIFORNIA**
23 **SAN FRANCISCO DIVISION**

24 DELL INC. and DELL PRODUCTS L.P.,

25 Plaintiffs,

v.

26 HITACHI, LTD., *et al.*,

27 Defendants.

28 Master File No. 3:07-cv-05944-SC

29 MDL No. 1917

30 Individual Case No. 3:13-cv-02171-SC

31 **DECLARATION OF MATTHEW D.**
32 **KENT IN SUPPORT OF**
33 **ADMINISTRATIVE MOTION TO**
34 **FILE DOCUMENTS UNDER SEAL**

1 I, MATTHEW D. KENT, declare as follows:

2 1. I am a Partner with the law firm of Alston & Bird LLP, counsel for Plaintiffs Dell Inc.
3 and Dell Products L.P. (collectively, "Dell") in the above-captioned action currently pending in the
4 U.S. District Court for the Northern District of California. I submit this declaration in support of Dell's
5 Administrative Motion to File Documents Under Seal, related to Plaintiffs' Reply in Support of Motion
6 to Partially Exclude Certain Opinions and Testimony of Designated Expert Daniel L. Rubinfeld (the
7 "Rubinfeld Reply"). I have personal knowledge of the facts stated herein, and I could and would
8 competently testify thereto if called as a witness.

9 2. I am a member in good standing of the State Bar of Georgia and am admitted to practice
10 before the U.S. District Court for the Northern District of Georgia. I have also been admitted to this
11 Court *pro hac vice* as counsel for Dell pursuant to the Court's Pretrial Order No. 1 in the MDL
12 Proceeding.

13 3. Pursuant to Civil Local Rules 7-11 and 79-5, and in accordance with this Court's
14 General Order No. 62, effective May 10, 2010, Dell, by and through its counsel, respectfully request an
15 Order permitting it to file under seal portions of the Rubinfeld Reply.

16 4. The Rubinfeld Reply refers to materials that are "privileged or protectable as a trade
17 secret or otherwise entitled to protection under the law." N.D. Cal. Civ. L. R. 79-5(a)-(c). These
18 materials consist of, cite to, and/or identify confidential, non-public information, including exhibits
19 that were previously filed under seal in this matter in connection with the Motion to Partially Exclude
20 Certain Opinions and Testimony of Designated Expert Daniel L. Rubinfeld. It also refers to
21 information that certain parties other than Dell have designated as "Confidential" or "Highly
22 Confidential" pursuant to a Protective Order.

23 5. The Court has already granted Plaintiffs' Administrative Motions for Leave to File the
24 Rubinfeld Expert Report Under Seal. *See* MDL Dkt. No. 3498.

25 6. Accordingly, Dell requests that the Rubinfeld Reply be filed under seal.

26 I declare under penalty of perjury under the laws of the United States of America that the
27 foregoing is true and correct.

1 Executed on February 9, 2015, in Atlanta, Georgia.

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3 By: /s/ Matthew D. Kent
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